

REMARKS

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Attached to this response is a copy of United States Patent Application Publication 2004/0170804. The reason for attaching this document will be explained below.

The issues raised by the examiner in the Detailed Action dated May 9, 2006 will now be addressed.

Claims 1-14 and 16-17 stand rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. In the applicant's first response, the claims were amended to recite "a bed of randomly oriented ceramic packing ...". However, as the examiner correctly noted, the portion of the specification identified as supporting the amendment, specifically paragraph 23, did not support the amendment. The problem occurred when the support was incorrectly identified as located in paragraph 23, line 5, rather than paragraph 2, line 1. These typographical errors were accidental and I apologize for the confusion. To clearly support the claim amendments in this response, the portions of the specification relied upon are both quoted and identified by location.

Claims 1-9, 16 and 17 stand rejected under 35 U.S.C. 102(b) as being anticipated by Chernyshev et al (WO-99/29425). Claims 1-8, 10-14, 16 and 17 stand rejected under 35 U.S.C. 102(e) as being anticipated by Morita et al (US 2003/0170160) and claim 9 stands rejected as being unpatentable under 103(a) over Morita.

Turning now to the amended claims, the claims currently pending have been amended to comply with the written description requirement and to distinguish over the teachings in both Chernyshev and Morita by deleting the phrase "bed of randomly oriented" from all of the claims and inserting into claim 1 the word "dumped" thereby changing the preamble of claim 1 to "A dumped ceramic packing element comprising ...". Support for this amendment can be found in paragraph 0001, lines 1 and 2, which states:

"The invention relates to packing elements of the type that are often called "random" or "dumped" packings."

To the person skilled in the art of manufacturing ceramic packing elements for use in mass transfer or heat transfer applications, the word "dumped" indicates a type of packing and does not necessarily mean that the ceramic element has, in fact, been dumped into a container. Note the word type in the sentence quoted above. For example, "A dumped ceramic packing element" may be used to describe a single packing element that had been hand placed on a flat surface such as a work bench. Similarly, the phrase "A monolith ceramic packing element" could be used to describe a large ceramic element that had

been randomly inserted into a shipping box containing other monolith packing elements with sufficient packing material between each element to prevent breakage during shipping. Consequently, the term monolith is understood to designate the type of packing and does not necessarily mean that the element has already been oriented and stacked in a regular manner inside a reactor.

Support for this rational can be found in United States Patent Application Publication 2004/0170804 (copy attached) which is the publication number for application 10/744,381 that was filed by the applicant on December 23, 2003. The following sentence can be found in paragraph 0041 of Publication 2004/0170804:

"A 40 X 40 cell monolith is a large ceramic element which has to be installed block by block with proper orientation inside canisters to achieve good thermal recovery results (as opposed to the "dumped" packing elements of FIGS 3 and 4) and suffers from problems such as cracking and/or spalling, resulting in improper operation of the bed."

The subject application (i.e. 10/761,559) is a continuation-in-part of 10/744,381 and incorporated the same therein. Therefore, the disclosure in 10/744,381 can be relied upon to support the currently amended claim. Note that the sentence quoted above states that a "monolith is a large ceramic element which has to be installed ..." (underlining added by applicant). Clearly, there is no teaching that the element must already be installed to be referred to as a monolith. In a similar manner, the phrase "dumped ceramic element" can be used to describe a type of ceramic element that has not yet been acted upon by a process wherein the packing element has been dumped.

This amendment distinguishes over Morita which repeatedly emphasizes that its teachings are directed to "monolithically molded type porous honeycomb support". See, for example: paragraph 0018, line 1; paragraph 0073, line 3; paragraph 0074, line 2; paragraph 0171, line 2; and paragraph 0195, line 18. Monolithic supports are carefully oriented and stacked in a column or tower rather than dumped in the tower. Consequently, a monolithic support is not a dumped ceramic packing element as amended claim 1 now requires. This amendment also distinguishes over Chernyshev which describes prism like elements that are placed side-by-side to form a layered honeycomb structure rather than the dumped ceramic packing element now described by amended claim 1. The above described amendment to claim 1 limits the claimed invention so that the cited references cannot be viewed as disclosing the applicant's claimed invention. Withdrawal of the rejections based on Chernyshev and Morita is requested.

With regard to the specification, the applicant has deleted the previously amended paragraph that begins on page 1, line 1 and replaced it with the paragraph shown in the

"In the Specification" section of this response. The paragraph was rewritten to replace "6,899,963" with "6,889,963". The difference between these two numbers is in the third digit from the left.

Claims 1-14, 16 and 17 remain in the application and allowance of the same is requested.

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